

NEW YORK ENVIRONMENTAL LAW AND JUSTICE PROJECT

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June 22, 2012

VIA E-MAIL

Larry F. Gottesman
National FOIA Officer
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Re: Request No. 02-FOI-01041-12

Dear Mr. Gottesman,

This is a follow up to the New York Environmental Law and Justice Project's Freedom of Information Act (FOIA) request, pursuant to 5 U.S.C. §552-552a, seeking a copy of records related to Rikers Island facilities and fee waiver. The undersigned hereby acknowledges the necessary satisfaction of six factors articulated in Mr. Gottesman letter in order to be considered for a fee waiver. The contents herein address these six required factors in sequence.

1. In accordance with the EPA's mission to protect human health and the environment, there are several federal laws that have likely produced records of information regarding Rikers Island that are of importance to the NYELJP, its client the Correctional Officers' Benevolent Association of New York City ("COBA-NYC"), and the public. Specifically, such records would be the product of the EPA's enforcement and assured compliance under the following environmental laws and their associated permitting schemes:

- Clean Air Act (42 U.S.C. §§7401-7671q)
- Clean Water Act (33 U.S.C. §§1251-1387)
- Resource Conservation and Recovery Act (42 U.S.C. §§6901-6992k)
- Comprehensive Environmental Response, Compensation, and Liability Act "Superfund" (42 U.S.C. §§9601-9675)
- National Environmental Policy Act (42 U.S.C. §§4321-4370h)

2. The disclosure of documents related to the aforementioned are meaningfully informative in the NYELJP's investigation of Rikers Island on behalf of the COBA-NYC. The latter is dedicated to ensuring the safest working conditions possible for correction officers. Currently,

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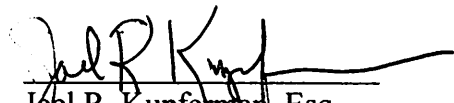
there are concerns of declining health due to conditions on Rikers Island. In order to truly assess this claim, all available information is needed to perform a thorough site-specific investigation and tackle the large magnitude of variables at play. The EPA records will help everyone understand the conditions at Rikers Island, past and present, and may also provide avenues that need further exploration.

3. Given that the disclosure is helping the NYELJP, who works to understand environmental conditions for the sake of communities, it will indeed contribute to the understanding of the public at large. Immediately affected are numerous inmates and New York's boldest, the correctional officers stationed to patrol Rikers Island.

4. The disclosure will contribute "significantly" to public understanding of government operations at Rikers Island. Gaining insight to the EPA's relationship with Rikers Island and the extent to which the operations on the Island are (a) compliant with environmental laws and (b) preventative of hazards to human health and the environment, is absolutely critical in helping the public understand their environment and what standards to expect.

5. The NYELP is a not-for-profit organization dedicated to protecting the environmental, ecological, and health integrity of the New York City and its surrounds. Since 1992, the organization has tirelessly fought to improve the environment quality of New York by using litigation, science, advocacy, negotiation, and public outreach to help citizens protect themselves and their communities from a broad spectrum of dangerous and burdensome environmental hazards. As such, no commercial interests exist.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel R. Kupferman", with a long horizontal flourish extending to the right.

Joel R. Kupferman, Esq.
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